IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

Steve Weinberg,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	**Civil Action No. 3-06-CV2332-B ECF**
	§	
National Football League Players Association, Roger Kaplan, Gene Upshaw, Tom DePaso, Richard Berthelson, Keith Washington, Mark Levin, and Trace Armstrong	§	
	§	
Defendants.	§	

PLAINTIFF STEVE WEINBERG'S EXPEDITED AGREED MOTION TO EXTEND DEADLINE TO FILE RESPONSE TO DEFENDANT ROGER P. KAPLAN'S MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, Plaintiff Steve Weinberg ("Weinberg") hereby files its Expedited Agreed Motion to Extend Deadline to File Response to Defendant Roger P. Kaplan's Motion to Dismiss for Lack of Personal Jurisdiction. Specifically, Weinberg moves for a two- week extension of time until February 1, 2007 to file its Response to Defendant Roger P. Kaplan's Motion to Dismiss for Lack of Personal Jurisdiction ("Defendant Roger Kaplan's Motion to Dismiss"). The "NFLPA Defendants" include the National Football League Players Association, Gene Upshaw, Tom DePaso, Richard Berthelson, Keith Washington, mark Levin and Trace Armstrong. In support of his Motion, Plaintiff Steve Weinberg states as follows :

Dockets.Justia.

I.

BACKGROUND

1. The Petition. On or about November 20, 2006, Plaintiff Steven Weinberg filed his First Amended Petition in Steve Weinberg v. National Football League Players Assoc., et al., Cause No. 06-11845, in the District Court for the 95th Judicial District of Dallas County, Texas (the "Petition").

2. The Removal. On or about December 18, 2006, the NFLPA Defendants timely removed this action to the United States District Court for the Northern District of Texas, Dallas Division. The non-NFLPA Defendants in this action (Defendants Kaplan, Shatsky, and Agnone), consented to the removal.

3. Notice of Removal and the NFLPA Defendants' Motion to Dismiss. After receiving a two-week extension of time from this Court to file their response to Petition, the NFLPA Defendants filed their Motion to Compel Arbitration and Motion to Dismiss Petition on January 9, 2007 ("Defendants' Motion to Dismiss").

4. Defendant Roger Kaplan's Motion to Dismiss. On December 29, 2006, Plaintiff received Defendant Roger P. Kaplan's Motion to Dismiss.

5. Pursuant to applicable local rules, Plaintiff is required to file his response to Defendant Roger Kaplan's Motion to Dismiss within twenty (20) days or by January 18, 2007.

6. One of Plaintiff's counsel, who is responsible for preparing Plaintiff's Response to Defendant Roger Kaplan's Motion to Dismiss, has been sick over the past week. For this reason and due to the sheer number of issues to be addressed in responsive pleadings recently filed by all of the Defendants, Plaintiff is requesting until February 1, 2007 to file his response to Defendant Roger Kaplan's Motion to Dismiss.

II.

MOTION

7. In the absence of improper prejudice to a party, the Court enjoys broad discretion over the administration of its cases. *See, e.g.*, Macklin v. City of New Orleans, 293 F.3d 237, 240 (5th Cir. 2002) ("As there is no indication that the district court exercised leniency unfairly [in extending filing deadlines] or otherwise improperly prejudiced [the plaintiff], we find no abuse of discretion.") Moreover, Rule 6(b) of the Federal Rules of Civil Procedure permits the Court, in its discretion, to enlarge a period of time "for cause" when a request is made prior to the expiration of time originally allowed. Fed. R. Civ. P. 6(b).

8. Given the complexity and sheer number of issues raised in pleadings recently filed by all of the Defendants, Plaintiff's counsel asks to extend the deadline until February 1, 2007 to file Plaintiff's Response to Defendant Roger P. Kaplan's Motion to Dismiss. This request is also made because Plaintiff's counsel, Bart F. Higgins, who is responsible for preparing the above-cited briefs, has been sick for the past week.

9. Counsel for Defendant Roger Kaplan, Allen Butler, agreed to Plaintiff's request for an extension of time.

III.

CONCLUSION

Plaintiff Steve Weinberg respectfully requests an Order extending his deadline to file Plaintiff's Response to Defendant Roger P. Kaplan's Motion to Dismiss for Lack of Personal Jurisdiction on or before February 1, 2007.

Respectfully submitted,

FRIEDMAN & FEIGER, LLP

By: /s/ Bart F. Higgins
Lawrence J. Friedman
State Bar No. 07469300
S. Wallace Dunwoody IV
State Bar No. 24040838

5301 Spring Valley Road
Suite 200
Dallas, Texas 75254
Telephone: (972) 788-1400
Telecopy: (972) 788-2667

ATTORNEYS FOR THE PLAINTIFF, STEVE WEINBERG

CERTIFICATE OF CONFERENCE

This is to certify that on the January 12, 2007, counsel for the Plaintiff left a voice mail with counsel for Defendant Roger P. Kaplan requesting an extension of time to file Plaintiff's Response to Defendant Roger P. Kaplan's Motion to Dismiss for Lack of Personal Jurisdiction. On the same day, Defendant's counsel agreed to the instant motion.

/s/ Bart F. Higgins

CERTIFICATE OF SERVICE

On January 16, 2007, I electronically transmitted the foregoing Plaintiffs' Expedited Motion For Extension of Time To File Response to Defendant Roger Kaplan's Motion to Dismiss using the ECF System for filing a Notice of Electronic Filing to those parties registered for ECF in this case. I further certify that the foregoing document was served on all counsel of record by ECF.

/s/ Bart F. Higgins
Bart F. Higgins

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